

REMARKS

Claims 2, 4-13 and 15-20 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 2, 4, 6-8, 10, 13, 15 and 17-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Aloe et al. (U.S. Pat. No. 6,047,988). This rejection is respectfully traversed.

It is well established that in order for a claim to be anticipated by a reference, each and every element of the claim must be disclosed by the reference. Aloe et al. '988 discloses a multi-piece frame assembly for operably coupling components of a rear suspension to a frame rail of a vehicle frame assembly. In Figures 7-8, Aloe et al. '988 discloses an extruded node 38 rigidly securing rear frame rail 34 with rear cross member 40, the extruded node being received within an interior volume of each of the rear frame rail and the rear cross member. Aloe et al. '988 does not disclose a structural member with a tubular body having an outer perimeter complementary to an inner perimeter of the tubular frame member.

Tubular is well understood to mean a generally elongate construction having a substantially continuous outer wall or skin. In contrast, the extruded node of Aloe et al. '988 is formed of a plurality of wall sections arranged in a structural matrix to form a connector between the vehicle frame members. This clearly does not fall within the scope of the claimed "tubular body having an outer perimeter complementary to an

inner perimeter of the first tubular frame member," as required by claim 2, then for claim 2 cannot be anticipated by Aloe et al. '988. Withdrawal of the rejection of claim 2, and reconsideration and reexamination of the claims, is respectfully requested. Because claims 4, 6-8, 10, 13 and 15 depend either directly or indirectly from claim 2, they also cannot be anticipated by Aloe et al., and reconsideration and reexamination of these claims is also respectfully requested.

Claim 17 includes the element of a reinforcing member comprising a tube having an outer perimeter closely conforming to an inner perimeter of the first frame member. The discussion above with respect to claim 2 is incorporated herein. For the same reason discussed above, it is believed that claim 17 cannot be anticipated by Aloe et al. '988. Claims 18-19 depend from claim 17 and therefore also cannot be anticipated by Aloe et al. '988. Withdrawal of the rejection of claims 17-19, and reconsideration and reexamination of the claims, is respectfully requested.

Claims 2, 8, 11, 13 and 15-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Panoz et al. (U.S. Pat. No. 6,470,990). This rejection is respectfully traversed.

Panoz et al. '990 discloses an automotive vehicle chassis formed in modules with couplers for connecting extruded beams. The couplers include structures for insertion into the connected beams. However, the couplers do not include a tubular portion having an outer perimeter complementary to the inner perimeter of the frame members. The text of the office action directs the Applicants' attention to Figures 10-11, but it is unclear which elements are seen as being equivalent to the claimed elements cited. Applicants assert that Panoz et al. '990 does not disclose the elements of claim 2 as

described above, and that therefore claim 2 cannot be anticipated by Panoz et al. '990. Therefore, withdrawal of the rejection of claim 2, and of claims 3, 11, 13 and 15-16, and reconsideration and reexamination of the claims, is respectfully requested.

Claims 17 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Barz et al. (U.S. Pat. No. 6,467,834). This rejection is respectfully traversed.

Barz et al. '834 discloses an automotive vehicle frame reinforcement system with a skeleton member designed to be secured to a vehicle frame. Barz et al. '834 does not disclose a reinforcing member comprising a tube having an outer perimeter closely conforming to an inner perimeter of a tubular portion of the vehicle frame, as discussed above. Because Barz et al. '834 does not disclose these elements, claims 17 and 20 cannot be anticipated by Barz et al. '834. Withdrawal of the rejection, and reconsideration and reexamination of the claims, is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 5, 9 and 11-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aloe et al. '988 in view of the well known prior art. This rejection is respectfully traversed.

As discussed above, claim 2 cannot be anticipated by Aloe et al. '988 because each and every element of the claim is not disclosed by the reference. The "well known prior art" has been cited in the rejection of claims 5, 9 and 11-12 for the purpose of drawing in other methods of connecting or fastening structural members. The existing shortcomings of Aloe et al. '988 with respect to claim 2 are not addressed. Therefore, the combination of Aloe et al. '988 and the "well known prior art" still does not reach the

claims. Withdrawal of the rejection, and reconsideration and reexamination of the claims, is respectfully requested.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Aloe et al. '988 in view of Makita et al. (U.S. Pat. No. 6,328, 377). This rejection is respectfully traversed. Claim 14 having been cancelled, this rejection should be considered moot, and its withdrawal is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 944-6522.

Respectfully submitted,

By:



Donald J. Wallace
Reg. No. 43,977
Attorney for Applicants

Dated: 12-15-2003

CIMS 483-02-19
DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION
800 CHRYSLER DRIVE
AUBURN HILLS, MI 48326-2757
248-944-6522